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SEP 18 2007

Application No. 10/722,116

Filed: November 25, 2003

TC Art Unit: 1773

Confirmation No.: 4859

REMARKS

Claims 1 and 2 are currently under consideration in the present application. Claim 3 was previously canceled.

Applicants request reconsideration and withdrawal of the rejection in view of the remarks herein.

Rejection Under 35 U.S.C. 103(a)

Claims 1 and 2 are rejected as allegedly obvious over Koide et al. (U.S. 6,874,563). However, as described below, the Koide patent is unavailable as prior art against the present application for two reasons.

First, according to 35 U.S.C. 103(c) Koide is unavailable for an obviousness rejection. The present invention and Koide were both assigned, or under an obligation to assign, to the same company, Nissei Plastic Industrial Co., Ltd. at the time of filing JP Application No. 2002-347673, whose priority is claimed for the present application. As evidence of this, a statement signed by Mr. Hozumi Yoda, President of Nissei Plastic Industrial Co., is attached. Further, three of the present inventors, Atsushi Koide, Yoshitoshi Yamagiwa and Masashi Suganuma, are also inventors of the Koide patent. Therefore, since the present application and the Koide patent were commonly owned or under an obligation to assign to a common assignee, and share at least one common inventor, under 35 U.S.C. 103(c) the Koide patent cannot be used for a section 103(a) rejection.

Second, there is no basis for Koide to qualify as prior art under 35 U.S.C. 102, which thereby prevents it from being used

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in a section 103 rejection, regardless of the considerations under section 103(c). Koide is prior art only as of its U.S. filing date, which is August 21, 2003. However, the priority date of the present application is November 29, 2002. Therefore, Koide fails to qualify as prior art under 35 U.S.C. 102(e), or any other part of section 102.

In view of the fact that the Koide reference cannot support an obviousness rejection of the present application, the withdrawal of the rejection is respectfully requested.

CONCLUSION

Based on the remarks herein, reconsideration and withdrawal of the rejection and allowance of the pending claim are respectfully requested. The pending claims are believed to be in condition for allowance.

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that may expedite allowance of the present application.

Respectfully submitted,

ATSUSHI KOIDE ET AL.

By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application : Atsushi Koide et al.
Application No. : 10/722,116
Filed : November 25, 2003
Confirmation No. : 4859
For : CONDUCTIVE RESIN MOLDED PRODUCT HAVING
INSULATING SKIN AND METHOD FOR FORMING
THE SAME
Examiner : Sheeba Ahmed
Attorney Docket : AK-N-432XX

TC Art Unit: 1773

STATEMENT REGARDING COMMON OWNERSHIP OF A PATENT
AND A PATENT APPLICATION

Nissei Plastic Industrial Co., Ltd., Nagano-ken, Japan,
(hereinafter, Company) states that US Patent Application No.
10/722,116, filed on November 25, 2003, and US Patent No.
6,874,563, filed on August 21, 2003, were commonly owned by the
Company, or subject to an obligation of assignment to the Company,
the inventors being Company's employees, at the time the invention
of Application No. 10/722,116 was made.

The Company further states that the Company owned 100 percent
of the subject matter and 100 percent of the claimed invention of
the '563 patent and the 10/722,116 application.

NISSEI PLASTIC INDUSTRIAL CO., LTD.

By: Hozumi YodaTitle: PresidentDate: Sep. 17, 2007

CLG:LJB/mc/356802.1